

TOWN OF MANSFIELD

Ethics Board

Thursday, April 30, 2009

Audrey Beck Municipal Building, Conference Room C

4:30pm

Minutes

Members Present: Mike Sikoski, David Ferrero, Nancy Cox, Lena Barry, Win Smith, Nora Stevens

Staff Present: Maria Capriola, Assistant to Town Manager

I. APPROVAL OF MINUTES FROM 4/16/09

A motion was made by Mr. Sikoski and seconded by Ms. Cox to adopt the minutes of April 16, 2009 as presented. The minutes were approved unanimously as presented.

II. PUBLIC COMMENT

None.

III. CHAIRPERSON'S REPORT

Mr. Sikoski stated that he would like to have FOI training for the Ethics Board on May 7, 2009; the training would be conducted by the FOI Commission. Discussion occurred on the matter. Ms. Stevens made a motion, seconded by Mr. Ferrero to ask Ms. Capriola to research the feasibility of moving the FOI training that she and Ms. Stanton are coordinating to June, 2009; all were in favor and the motion passed. Board members agreed that the May 7th training was not needed as a result.

V. DISCUSSION ON ETHICS CODE

The Board continued to review and discuss Ms. Cox's suggestions regarding the Ethics Code. Recommended changes and pending items for further discussion are attached to these minutes. At the 4/30 meeting the following decisions were made:

- Add definition of "appear" to 25.3 (all in favor);
- Add definition of "conflict of interest" to 25.3 (all in favor);
- Revise definition of "interest in a personal and financial sense" to 25.3 (all in favor);
- Revise definition of "official" to 25.3 (all in favor);
- Add definition of "outside employer" to 25.3 (all in favor);
- Add definition of "subordinate" to 25.3 (all in favor);
- Revise language in 25.4A, use of town assets (Smith, Cox, Sikoski, Ferrero in favor, Stevens abstention);
- Revise language in 25.4B to include "special consideration", "representation", "appearances", "political solicitation", "patronage", and "nepotism" (all in favor).

VI. FUTURE AGENDAS AND MEETING SCHEDULE

The next meeting will be held May 14, 2009 at 4:30pm

VII. ADJOURNMENT

The meeting adjourned at 6:24 pm.

Respectfully Submitted,

Maria E. Capriola,

Assistant to Town Manager

Chapter 25: **ETHICS**, CODE OF

Notes on Recommended Changes Decided Up To the 4/30/09 meeting:

- **Strikethrough** = recommended deletions reached by consensus or majority of members
- **Bold/Italics** = recommended revisions by consensus or majority of members
- **Comment boxes** indicate items for further discussion

[HISTORY: Adopted by the Town Council of the Town of Mansfield 6-26-1995, effective 8-7-1995. Amendments noted where applicable.]

§ 25-1. Title.

This chapter shall be known and may be cited as the "Code of **Ethics**."

§ 25-2. Purpose.

- A. The purpose of these standards is to guide town officials, elected and appointed, town employees and citizens by establishing standards of conduct. ~~for persons in the decisionmaking process~~. It is intended to strengthen the tradition of **good** government in the town.
- B. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the town as a whole, without regard to personal gain.
- C. In pursuit of that goal, these standards are provided to aid those involved in decisionmaking to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership and uphold the respectability of the government.

§ 25-3. Definitions.

As used in this chapter, the following words or phrases shall have the meanings ascribed to them in this section:

A. APPEAR— Any form of communication including: in person, through another person, by letter, by telephone or by electronic media.

B. CONFIDENTIAL INFORMATION — ~~Any information concerning the property, business or affairs of the town not generally available to the public. not discloseable under or subject to FOI rules (chapter 14, § 1-210 C.G.S.)~~ Any information, whether transmitted orally

or in writing, which is obtained by reason of the public position or office held and is of such a nature that it is not, at the time of transmission, a matter of public record or public knowledge as defined by Chapter 14, § 1-210 C.G.S.

C.

CONFLICT OF INTEREST - An official or employee may not use his or her position/office in a manner which he or she knows may result in a personal or financial benefit, not shared with a substantial segment of the town's population, for any of the following:

- a) himself or herself;***
- b) a member of his or her household;***
- c) an outside employer/business of his or hers, or of a member of his or her household;***
- d) a customer or client;***
- e) person or entity from whom the official has received an election campaign contribution totaling more than \$200 in the aggregate during the past election cycle (this amount includes contributions from a person's immediate family or business);***
- f) a substantial debtor or creditor of his or hers, or of members of his or her household; or***
- g) a nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or a member of his or her household) is an officer or director.***

EMPLOYEE — Any person receiving a salary, wages or compensation from the town for services rendered.

D.

E. IMMEDIATE FAMILY — Any parent, brother, sister, child spouse or co-habiting partner of an individual as well as the parent, brother, sister or child of said spouse or co-habiting partner, and the spouse or co-habiting partner of any such child or any dependent relative who resides in said individual's household.

F.

INTEREST IN A PERSONAL OR FINANCIAL SENSE — ***A relationship in which a direct or indirect personal or financial benefit might be received. "Financial benefit" includes: money, service, entertainment, or any promise of these or anything else of value. This term does not include campaign contributions authorized by law.***

For the purpose of this Code, the same meaning as the courts of this state apply, from time to time, to the same phrase as used in §§ 8-11 and 8-21, C.G.S. 2.

MINISTERIAL ACT--An action performed without the exercise of judgment or discretion as to the propriety of the act. An example of a ministerial act is the granting of a marriage license by a town clerk. [\[MEC1\]](#)

G.

H. OFFICIAL — Any person holding elective or appointive town office, paid or unpaid, including members and alternate members of town agencies, boards and commissions, and committees appointed to oversee the construction or improvement of town facilities, or any other board, commission or agency that perform legislative or judicial functions or exercise

financial authority (collectively hereinafter referred to as "body"). **"Official or employee" does not include a judge, justice, or official or employee of the court system.**

OUTSIDE EMPLOYER OR BUSINESS—This term includes: any substantial business activity other than service to the town; any entity of which the official/employee is a member, official, or employee, and from which he or she receives compensation; any entity located in the town or which does business with the town, in which the official/employee has an ownership interest; and any entity to which the official or employee* owes, or is owed, more than \$10,000. For purposes of this definition, "compensation" does not include reimbursement for expenses.

I.

SUBORDINATE--Another official/employee whose activities an official or employee directs/supervises.

J.

§ 25-4. Guidelines established.

If an official or employee is speaking before a body as an elector during public comment, said person shall disclose their name, address, and public affiliation, regardless of whether the affiliation is indirect or direct to the matter in which the person is speaking.

A. Use of town assets. No official or employee shall use or permit the use of town funds, services, property, equipment, owned or leased vehicles or materials for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established **written** town policies for the use of such officials or employees. **This applies not only to objects such as cars and trucks, but also to travel and other expense reimbursements, which may not be spent on anything but official business.**

B. Fair and equal treatment.

1. Special Consideration--No official or employee shall grant or accept any special consideration, treatment or advantage to or from any person beyond that which is available to every other person.

2. Representation--An official/employee may not represent any other person or entity

before the town, nor appear in any matter not before the town, but against the interests of the town. However, it is acceptable for elected officials to represent constituents without compensation in matters of public advocacy. Volunteer members of established boards and commissions may represent persons and entities before, or appear before, any town department, agency, board, or commission other than their own.

3. Appearances--An official or employee may not appear before any town department, agency, board or commission, except on his or her own behalf or on behalf of the town. Every time an official or employee appears or when he or she writes a letter to the editor or other publicly distributed correspondence regarding the Town, he or she is required to disclose whether he or she is appearing in an official capacity or as a private citizen. If the speech or writing is in response to criticism or other communication directed at his or her official role, the official/employee may respond only in his or her official role.

4. Political Solicitation--An official/employee may not request, or authorize anyone else to request, that any subordinate participate in an election campaign or make a political contribution. Nor may he or she engage in any political activity while on duty for the town, or with the use of town funds, supplies, vehicles, or facilities.

5. Patronage--No official or employee may use his or her influence to obtain an appointment of another person to any position as a reward for political activity or contribution.

6. Nepotism--No official or employee may appoint or hire a member of his or her household to any type of employment with the town without first obtaining a waiver pursuant to XXXX. No official or employee may supervise or be in a direct line of supervision a member of his or her household. If an official or employee comes into a direct line of supervision of a member of his or her household, he or she will have six months to obtain a waiver.

C. Conflict of interest.

- (1) Disqualification in matters involving a personal or financial interest. No employee or official shall participate in the hearing or decision of the body of which he or she is a member upon any matter in which he or she is interested in a personal or financial sense. The fact of such disqualification shall be entered on the records of such body. Nothing contained herein shall be construed as to prevent any elected official or employee from submitting a competitive sealed bid in response to an invitation to bid from any body of the town, provided that such person does not thereby violate Subsection C(2) of this section.
- (2) Disclosure of confidential information. No official or employee shall disclose or use any confidential information obtained in an official capacity for the purpose of advancing his or her financial or personal interest or that of others.
- (3) Gifts and favors. No official or employee or member of his or her immediate family shall solicit or accept any gift or gifts having a value of fifty dollars (\$50.) or more ~~in value in~~ any calendar year, whether in the form of service, loan, thing, promise or any other form, from any person or persons who to his or her knowledge is interested directly or indirectly in business dealings with the town. This prohibition shall not apply to lawful political contributors as defined in § 9-333(b), C.G.S. **Gifts of property, money, or services received by an individual and given nominally to the town must be accepted by a resolution of the council.**[\[MEC2\]](#)
- (4) Use of influence. No official or employee shall solicit any business, directly or indirectly, from another official or employee ***especially one*** over whom he/***she*** has any direct or indirect control or influence with respect to tenure, compensation or duties.

No official/employee may engage in a financial transaction, including the giving or receiving of loans or monetary contributions, including charitable contributions, with a subordinate or person or business over which he or she exercises supervisory responsibility, unless (a) the financial transaction is in the normal course of a regular commercial business or occupation, or (b) the financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a town through official action by the council or town manager-'s office. [\[MEC3\]](#)

- (5) Representation of private or adverse interest. No official or employee shall appear on behalf of a private interest before any body of the town, nor shall he or she represent an adverse interest in any litigation involving the town.
- (6) Disclosure of interest. Any official or employee who has a personal or financial interest in any matter coming before any body of the town shall make the same known to such body

in a timely manner, and such interest shall be disclosed on the records of such body.

An official/employee with an interest in a contract must disclose this interest prior to the first of any of the following events:

- 1. The solicitation of the contract.**
 - 2. The bidding of a contract.**
 - 3. The negotiation of a contract.**
 - 4. The approval of the contract.**
-

Annual Disclosure.

1. Officials, Employees, and Others Who Are Required to File.

Those holding the following job titles or positions are required to file a signed annual disclosure statement:

a. Elected officials;

b. Department heads and those authorized to act on their behalf (e.g., first deputies);

c. Officials and employees* who hold policymaking positions, including members of municipal boards, such as ethics commissions, finance boards, planning and zoning boards, boards of zoning, buildings, and assessment appeals, wetlands and conservation boards, economic development boards, and parks and recreation boards;

d. Officials whose actual duties involve the negotiation or approval of contracts, variances, special permits, or licenses; the purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any of these; obtaining

grants of money or loans; or the adoption or repeal of any rule or regulation having the force and effect of law; and

e. candidates for elected office and political party committee officers

2. Time and Place for Filing. Annual disclosure statements (for the calendar year) are to be filed with the Ethics Commission:

a. Within one-hundred-and-twenty days after the effective date of this section;

b. Within thirty days after taking one of the job titles or positions listed in subsection 1 of this section; and

c. No later than May 15 of each year thereafter

3. Candidates for elected office, disclosure shall file with the filing of the certificate of candidacy or declaration of intent and no later than May 15 of each year thereafter. If an annual disclosure statement is overdue and is not filed within 20 days after the candidate receives from the Ethics Commission written notice of the failure to file, the candidate is considered to have withdrawn his or her candidacy.

4. Changes in Disclosed Information. Within thirty days after a change in the information contained in his or her most recently filed annual disclosure statement, an official, employee, or candidate must file a signed amendment to the statement indicating the change.

5. Contents of Annual Disclosure Statement. The annual disclosure statement will include:

a. The location of any real property in the town, or within one mile of the boundary of the town, in which the person disclosing, or his or her immediate relative, has a financial interest, and the type of financial interest.

b. With respect to each outside employer or business* of the person disclosing:

i. Its name (if any);

ii. The nature of its business or if it is an entity, the type of entity;

iv. The person disclosing's relationship to it, such as sole proprietor, owner, partner, official, director, member, employee, bondholder, or shareholder.

3. With respect to each outside employer or business* of the person

disclosing's spouse or domestic partner*, the information required by paragraph (b) of this subsection.

4. The names and addresses of all relatives* employed by the town as employees, contractors, or consultants*, including relatives* who work for or are subcontractors of contractors, consultants*, or subcontractors.

5. Failure to disclose the information required by subsection 4 of this section with respect to a person disclosing's spouse or other relative* does not constitute a violation of that subsection if the person disclosing made a good faith effort to obtain the information and if he or she also sets forth those efforts in his or her disclosure statement.

6. Any person who is subject to the disclosure provisions of this and the following subsection is required to obtain and preserve, for a period of three years following the date of the relevant disclosure statement, all accounts, bills, receipts, and other documents necessary to complete and substantiate such disclosure statement. These documents will be made available for inspection upon request by the Ethics Commission or its agent after reasonable notice.

7. The Director of Finance must certify to the Ethics Commission, no later than May 15 of each year, a list of all business entities doing business with the town, currently bidding for business with the town, or that have done business with the town over the prior three years. This list will be made available to the public at no cost.

Disclosure by Applicants.

1. When a person requests that the town, or a town official or employee*, take or refrain from taking any action (other than a ministerial act*) that may result in a financial benefit* to either any official or employee or to one of the other persons listed in 100(1) of this code, the person requesting must disclose the name of any such person or persons, to the extent of his or her knowledge at the time of the request.

2. If the request is made in writing, the disclosure must accompany the request. If the request is oral and made at the meeting of a public body, the disclosure must be set forth in the public record of the body. If the request is oral and not made at

the meeting of a public body, the disclosure must be set forth in writing and filed with the town clerk, who will send a copy to the Ethics Commission.

Recusal

1. An official or employee* must refrain from acting on or discussing a matter before the town, if acting on the matter, or failing to act on the matter, may result in personally or financially benefit. Such an official or employee should join the public if the recusal occurs at a public meeting, or leave the room if it is not a public meeting.

2. An official or employee must refrain from acting or discussing, formally or informally, a matter involving a person who appointed or recommended him or her for that position, if he or she is aware of such appointment or recommendation.

3. If a board or agency member is requested to recuse himself or herself with respect to a matter because he or she has a conflict of interest, the member must decide whether to recuse himself or herself. If the member decides not to recuse himself or herself, the remaining must consider any relevant evidence concerning such claimed conflict of interest, as defined in this code, and vote whether or not to allow the request and require that the member refrain from participating in the matter.

4. Rule of Necessity: If recusal would leave a board with less than a quorum capable of acting, or if the official/employee is the only person authorized by law to act, the official/employee* must disclose the nature and circumstances of the conflict to the Ethics Commission and ask for an advisory opinion.

5. Whenever an official or employee* has reason to believe that he or she should recuse himself or herself, he or she must:

a. immediately refrain from participating further in the matter, formally or informally;

b. promptly inform the appropriate individual or body that he or she has a conflict; and

c. promptly file with the town clerk a signed statement disclosing the reasons for refusal or, if a member of a board or commission, state this information on the public record of that board or commission.

6. Whenever someone suggests or requests that an official/employee recuse himself or herself, and he or she chooses not to do so, he or she must promptly file with the town clerk a signed statement disclosing the reasons for refusing to recuse himself or herself or, if a member of a board or commission and if the suggestion was made publicly at a meeting of that board of commission, state this information upon the public record of that board or commission.

[\[MEC4\]](#)

(7) First year after termination. No official or employee shall, ~~during the first~~ ***within one*** year after ~~termination of~~ ***his or her last date of*** service or employment with the town, appear before any body of the town or apply to any department in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her ~~active consideration~~ ***official responsibility as a municipal employee.***

(8) Private employment. No official or employee shall engage in or accept private employment or render service that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties or give the appearance of impropriety, unless otherwise permitted by law.

9. Post-Employment Employment Any official/employee shall not accept employment with a party to a contract with the town, within a year after the contract was signed, when he or she participated substantially in the negotiation or award of the contract and the contract obliged the town to pay at least \$50,000..

10. Quid Pro Quo It is a violation of this code to discuss or accept an offer of

future employment with any person doing or seeking to do business with the town if the official or employee knows or has reason to believe that the offer of employment was or is intended as compensation or reward for an act or failure to act during the course of town employment or to influence town action.

It is a violation of this code for an official or employee* to, within one year of entering town employment or service, award a contract or participate in an action benefitting a person that formerly employed him or her.

11. Fees and Honorariums

No official or employee* may accept a fee or honorarium for an article, for an appearance or speech, or for participation at an event, in his or her official capacity. However, he or she may receive payment or reimbursement for necessary expenses related to any such activity.

12. Endorsements

No official or employee* in his or her official capacity may publicly endorse products or services. However, this does not prohibit an official or employee from answering inquiries by other governmental officials, consumer organizations, or product information services regarding products or services.

D. Reporting Requirements and Whistleblower Provisions

1. Complicity with or Knowledge of Others' Violations

No one may, directly or indirectly, induce or encourage anyone to violate any provision of this code. If an official/employee suspects that someone has violated this code, he or she is required to report it to the relevant individual, either the employee's supervisor, the board on which the official sits or before which the official/employee is or will soon appear, or the Ethics Board. Anyone who reports a

violation in good faith will be protected by the provisions of Section 2.

2 Whistle-Blower Protection.

1. Neither the town nor any person, including officials and employees, may take or threaten to take official or personal action against any official, employee, or against any member of their family because that person, or a person acting on his or her behalf, (a) reports or files a complaint with the Ethics Board regarding an alleged violation of this code, or (b) is requested by the Ethics Commission to participate in an investigation, hearing, or inquiry of the Ethics Commission. The provisions of this section are not applicable when the reporter of a violation knowingly made accusations or other statements that were malicious and false. A violation of this section is a violation of this code.

2. Anyone who alleges a violation of subsection 1 may bring a civil action for appropriate injunctive relief, or actual damages, or both within ninety days after the occurrence of the alleged violation. The initiation of such litigation is not a violation of the confidentiality provisions.[\[MEC5\]](#)

§ 25-5. Board of **Ethics**.

- A. There is hereby established a Board of **Ethics** consisting of five (5) members who shall be electors of the town. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, ~~except that, of the initial Board, two (2) members shall serve for a term of two (2) years, and one (1) member for a term of one (1) year.~~
- B. Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members who shall serve in the absence of a regular member. ~~The initial appointments shall be for a term to expire on June 30, 1996. Thereafter, all~~ **Alternate member** appointments shall be for two-year terms.
- C. No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.
- D. ~~No member or alternate shall contemporaneously be an employee or official of the town on any other board.~~ **Members of the Board may also serve as members of advisory committees. Members of the Board should not simultaneously serve as a member of an elected board of the Town or be an employee of the Town.**

§ 25-6. Organization and procedure.

The Board of **Ethics** shall elect a *Chair, Vice Chair, and Secretary annually. Rules and procedures shall be established. Confidentiality must be maintained in order to protect the privacy of public officials, employees and citizens, including the provisions of Sec 1-82(a)-(f) of the Connecticut General Statutes. The Board shall keep records of its meetings, planning to meet at least four times a year and at such other times as deemed necessary by any member.* ~~Chairperson and a Secretary and shall establish its own rules and procedures, which shall be available to any elector of the town through the Town Clerk's office. Rules and procedures shall be established within six (6) months of the initial appointment of all members and alternates. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens [including the provisions of § 1-82a(a) through (f), C.G.S.] shall be considered when establishing the rules and procedures. The Board shall keep records of its meetings and shall hold meetings at the call of the Chairperson and at such other times as it may determine.~~ *Practices regarding recordkeeping, release of documents, and notice of meetings will be consistent with Connecticut general statutes pertaining to freedom of information and ethics boards.*

Provision for Filling Vacancies of the Board

Requirement for the Ethics Code to be reviewed and updated at least every five years.

Duties of Town Clerk.

The Town Clerk must maintain on file for public inspection and, with respect to disclosure statements, index in alphabetical order by the last name of the relevant official, employee, candidate, or applicant the following documents:

- (1) A copy of the code of ethics and amendments thereto;**
- (2) A statement that the town has established an Ethics Board, and its composition;**
- (3) A copy of the form of annual statement of financial disclosure;**
- (4) A list of the names and offices, or positions, of all officials and employees required to file annual disclosure statements;**
- (5) Copies of all transactional, applicant, and annual disclosure statements filed pursuant to this code.**

6. Maintenance of Records of the Ethics Board

Maintenance of Disclosure Statements.

1. The Town Clerk must transmit promptly to the Ethics Board copies of each transactional and applicant disclosure statement filed pursuant to this code.

2. The Ethics Commission must index and maintain on file for at least seven years all disclosure statements filed with it pursuant to this code.

Public Inspection of Records; Public Access to Meetings.

1. Unless otherwise stated in this code, the records of the Ethics Board will be available for public inspection. Records available for public inspection include all disclosure statements, advisory opinions (with names and other necessary details omitted to protect anonymity, unless the requesting party states otherwise in writing), all requests for waivers and related papers and decisions, and all papers filed and all decisions made in an Ethics Board proceeding after a finding, formally or presumed, of probable cause.

2. After a finding, formally or presumed, of probable cause, all hearings before the Ethics Board concerning alleged misconduct will be open to the public. All meetings, or parts of meetings, of the Ethics Board that are not directly related to an investigation or other consideration of complaints prior to a finding of probable cause will be open to the public.

[\[MEC6\]](#)

§ 25-7. Powers and duties.

- A. **Advisory Opinions.** The Board of **Ethics** shall render advisory opinions with respect to the applicability of this Code of **Ethics** in specific situations to any body, or any official, employee or elector pursuant to a written request or upon its own initiative. **Advisory opinions for the purposes of this code shall be defined as an official, employee, or body of the town seeking an advisory opinion with respect to whether his, her, or its own action might violate a provision of this code.** The Board may also issue guidelines on ~~such~~ **general ethics** issues ~~as, for example, ex parte communication.~~ Such opinions and guidelines, until amended or revoked, shall be binding on the Board and reliance upon them in good faith by any officer or employee in any action brought under the provisions of this chapter. Any request or opinion the disclosure of which invades the personal privacy [as that term is used in C.G.S. § 1-19(b)(2)] of any individual shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public such advisory opinions which do not invade personal privacy. ~~and take other appropriate steps in an effort to increase public~~ **and officials'** awareness of this Code of **Ethics**.
- B. **Inquiries.** **Any member of the public may submit an inquiry asking whether a current official or employee has failed to comply with the Code or asking about the appropriateness of conduct. An individual initiating an inquiry must do so in writing**

and in conformance with procedures established by the Board. The initiating individual must sign the form under penalty of false statement. The Board may itself initiate an inquiry regarding a possible violation of the Code.

- B. *Complaints.*** The Board shall establish procedures by which the public may initiate complaints alleging violations of this Code. The Board itself may also initiate such
- C.** complaints. The Board shall have the power to hold hearings concerning the application of this Code and its violation and may administer oaths and compel attendance of witnesses by subpoena. Such hearings shall be closed to the public unless the respondent requests otherwise. If the Board determines the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision which may include a recommendation for action, with the Town Council or other appropriate body. The recommended action may include reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office or termination of contractual status, except that no action may be recommended which would violate the provisions of the state or federal law. In the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Town Council under the Charter of the town or under any ordinance, statute or any other law. Any discussion by the Town Council or other body of an individual affected by the memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.

Upon the finding of a violation of the Ethics Code, the Town Council shall review and respond within 90 days to the Ethics Board with a statement of the disposition of the case. [MEC7]

- C.** Any complaint received by the Board must be in writing and signed under oath by the individual making said complaint, under penalty of false statement (C.G.S. § 53a-157b).
- D.**
- E.** Correspondence. The Board welcomes and encourages communications from the public regarding ethics issues relevant to this code, even if they do not fall within the categories of an advisory opinion, inquiry, or complaint. Communications will be handled on a case-by-case basis and at the discretion of the Board. The Board will take appropriate steps in an effort to increase public and officials' awareness of this Code of Ethics.

F. Waivers.

1. Upon written application and a showing of compelling need by the applicant, at an open session after public notice, the Ethics Commission may in exceptional circumstances grant the applicant a waiver of subsections [Here we have to

specifically list the sections of the code for which a waiver may be sought.]

2. Waivers must be in writing and must state the grounds upon which they are granted. Within ten days after granting a waiver, the Ethics Commission must publish a notice setting forth the name of the person or entity requesting the waiver and a general description of the nature of the waiver in the official newspaper designated by the town for legal notices. All waiver applications, decisions, and other records and proceedings relating to waivers will be indexed and maintained on file by the Ethics Commission.[\[MEC8\]](#)

§ 25-8. Annual report.

Each year, at a time to be determined by the Board, it shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be scrupulous in its avoidance of the ~~undue~~ invasion of the personal privacy of any individual.

§ 25-9. Distribution of Code of **Ethics, Training**

In order that all public officials and employees are aware of what constitutes ethical conduct in the operations of the government of the Town of Mansfield, the ~~Town Clerk~~ **appropriate officials** shall cause a copy of this Code of **Ethics** to be distributed to each and every official

Training and Education.

The Ethics Board will hold an annual workshop for new and old officials and employees to discuss this code, its values and goals, its enforcement, and the ways in which it has affected their work and the working of the town government.

[\[MEC9\]](#)

and employee of the town.

§ 25-10. Appeals.

A decision by the Board of **Ethics** may be appealed in the manner allowed by the general statutes.

§ 25-11. Severability; conflicts with other provisions.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.

APPENDIX A

Sample Annual Disclosure Statement

Annual Disclosure Statement for 2009

Town of Mansfield, Connecticut

Last Name First Name Initial

Title Department, Agency, or Body

Work Address Phone No.

Home Address Phone No.

If the answer to any of the following questions is "none," please so indicate. If you have more than one entry for any of the sections, please fill out separate sheets and attach to these sheets. If you could not obtain the required information from a spouse or other relative, set forth your efforts to obtain information on a separate sheet attached to this statement.

1. Real Estate.

List the address or, if there is no address or if the address provides insufficient information to describe a large piece of property, description of each piece of real property in this town, or within one mile outside its boundaries, that you, your spouse, or other relative own or have a [financial interest](#) in. "Relative" means your spouse, child, step-child, brother, sister, parent or step-parent, or a person you claimed as a dependent on your latest state income tax return.

Name of Relative and Relationship to You

Address or Description of Real Estate

Type of Financial Interest (e.g., owns or partnership)

2. Your Outside Employers or Businesses.

List the names and address of the principal or local office of any outside employers or businesses from which you receive compensation for services rendered or goods sold or produced, or of which you are a member, official, or employee. Also include any entity in which you have an ownership interest, except a public corporation of which you own less than five percent of the outstanding stock or stock valued at less than \$50,000, whichever is less (such a public corporation need be listed only if it does business with or in the town). Identify the type of entity (e.g., partnership, corporation, self-employment, or sole proprietorship), and list your relationship to the employer or business (e.g., employee, owner, partner, official, director, member, or shareholder).

Name of Employer or Business

Nature of Business

Type of Entity

Your Relationship to Employer or Business

3. Your Spouse's or Domestic Partner's Employer or Business.

List the information in question 2 for your spouse or domestic partner.

Name of Employer or Business

Nature of Business

Type of Entity

—

Relationship to Employer or Business

4. Employed Relatives.

List the names and addresses of all relatives employed, directly or indirectly, as employees, contractors, or consultants, by the town during the prior year. See 1 above for definition of "relative."

Date: _____

Signed: _____

[\[MEC10\]](#)

[\[MEC1\]](#) Group Tabled to future meeting

[\[MEC2\]](#) To be discussed

[\[MEC3\]](#) To be discussed

[\[MEC4\]](#) To be discussed

[\[MEC5\]](#) To be discussed

[\[MEC6\]](#) To be discussed

[\[MEC7\]](#) To be discussed

[\[MEC8\]](#) To be discussed

[\[MEC9\]](#) To be discussed

[\[MEC10\]](#) To be discussed